Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 018 - 03298 - 1443 - 058	Date: 03/09/18	Time: 2335 Hours	
Location: [redacted] Lochmere Avenue	City or Station: East Valinda		
Bureau/Station/Facility: East Patrol Division / Industry Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Personal Weapons/Takedown/Hobble/Control Holds			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Granek	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Merrick	Shawn	P.	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	W	5-11	185	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): 144F
Individual Force Used: Personal Weapons/Control Holds/Takedown
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ○ 1 ○ 2 ◉ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
○ M ◉ F	A	5-02	100	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): 144F
Individual Force Used: Control Holds
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	W	6-00	100	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): 141K1
Individual Force Used: Resistive Hobble
○ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉ 1 ○ 2 ○ 3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Gomez	Samuel	J.	SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Gutierrez	John		SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Smitson	Eric	C.	LT

[signature] 1-24-19

Watch Commander / Supervising Lieutenant's **Signature:** Date Copy Provided to Employee by: Emp #:

ERIC SMITSON

Unit Commander **(Print Name)** Unit Commander's **Signature**: Emp #: Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

018 - 03298 - 1443 - 058

Suspect Information

S 1

Field	Value
Last Name	Rocha
First Name	Cesar
Middle Name	
Armed? Select	Not Armed
AKA Last Name / First Name / Middle Name	
Sex	(●) Male ( ) Female
Race	H
Age	36
Height	5-05
Weight	145
D.O.B.	07/30/81
Phone #1: ( ) H ( ) W ( ) C	None
Phone #2: ( ) H ( ) W ( ) C	None
Street Address	███ Lochmere Avenue
City	East Valinda
State & Zip Code	91744
Booking #	5253852
Primary Charge Code	69 PC
Secondary Charge Code	647(f) PC
Criminal History	☐
Treated on Scene?	(●) YES ( ) NO
Name	LA County Fire
Unit	145
Phone #	(626) 854-3486
Hospital Admission?	☐
Rec'd Treatment At	Queen of the Valley
Coroner Case #	
Mental History	☐ User's guide provides direction on this entry
By	Randy Gilman, PA
Address	1115 S. Sunset Avenue, West Covina
Phone #	(626) 962-4011
Under Influence	(●) YES ( ) NO
Substance	Alcohol
5150 a factor in force?	( ) YES (●) NO User's guide provides direction on this entry
Date	03/10/18
Time	0752
Audiotape	☒
Videotape	☒
Photos of Injuries	☒
ADMITS HEARING ANNOUNCEMENTS	☐

Suspect Information

S__

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

018 - 03298 - 1443 - 058

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Fillpot	Michael	L.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Industry Station	142	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Leslie	Erik	C.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Industry Station	147B	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Duarte	David	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Industry Station	147B	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		29	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

018 - 03298 - 1443 - 058

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Haringsma	Jason	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty
Industry Station	144A		

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force

018 - 03298 - 1443 - 058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method	Type of Injury	Body Part
Name	E# or S#	Name	E# or S#	(Code)	(Code)	(Code)
Rocha	S#1	Merrick	E#1	HR	NN	NN
Merrick	E#1	Rocha	S#1	CT	NN	AR
Rocha	S#1	Merrick	E#1	PK	CP	LE
Merrick	E#1	Rocha	S#1	TD	FR	FA
Rocha	S#1		E#2	PK	CP	LE/AR
	E#2	Rocha	S#1	CT	NN	LE
Rocha	S#1	Merrick	E#1	HR	NN	NN
Merrick	E#1	Rocha	S#1	PH	NN	FA
Merrick	E#1	Rocha	S#1	RH	NN	HD
	E#3	Rocha	S#1	HB	NN	LE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category 3 Use of Force (Fractured right zygomatic arch bone and nasal bone. Abrasions, contusions on both sides of face and loose tooth)**
IAB FILE NUMBER:	**FO2450226**
DIVISION / UNIT:	**East Patrol / Industry Station**
DATE / TIME:	**March 9, 2018, 2335 hours**
LOCATION:	**[redacted] Lochmere Avenue, East Valinda**
SUSPECT:	**Cesar Rocha, MH/36, DOB: 07/30/81**
INVOLVED PERSONNEL:	**Deputy Shawn Merrick #[redacted], Unit 144F, EM's**
	Deputy [redacted] #[redacted], Unit 144F, EM's
	Deputy [redacted] #[redacted], Unit 141K1, EM's

SYNPOSIS

On March 10, 2018, an Internal Affairs Bureau Force and Shooting Rollout Team comprised of Lieutenant Roberta Granek, Sergeants Bryan Smith, and Steve Upton responded to Industry Sheriff's Station regarding a use of force. The use of force occurred at [redacted] Lochmere Avenue, in the Unincorporated Area of East Valinda. The use of force resulted in the suspect sustaining fractures to the right zygomatic arch bone and nasal bone. The suspect also sustained contusions and abrasions on both sides of his head, and a loose tooth. The incident was documented under URN 018-03298-1443-058 **[Exhibit A].**

SUMMARY

On March 09, 2018, Industry Sheriff"s Station received a "disturbance" call for service at [redacted] Lochmere Avenue, Incident Record, IDT18068-0353 **[Exhibit B]**. The call indicated a male named "Cesar", later identified Suspect Rocha, was possibly under the influence of drugs or alcohol, and was yelling, arguing, and hitting other roommates.

Unit 144F, Deputies Merrick and [redacted], received the call for service and coordinated with assisting units over L-Tac. Deputies Merrick and [redacted] arrived at the location and heard yelling coming from the rear of the property. The deputies repositioned themselves on the driveway and saw Suspect Rocha standing along a chain link fence, which divides the front of the house from the rear yard. Suspect Rocha was yelling and cursing at Witness [redacted] who was on the other side of the fence. Deputies Merrick and [redacted] gave Suspect Rocha verbal commands to stop arguing, and to walk back toward them. The suspect ignored their commands, continued to be belligerent, and verbally assaultive toward Witness [redacted].

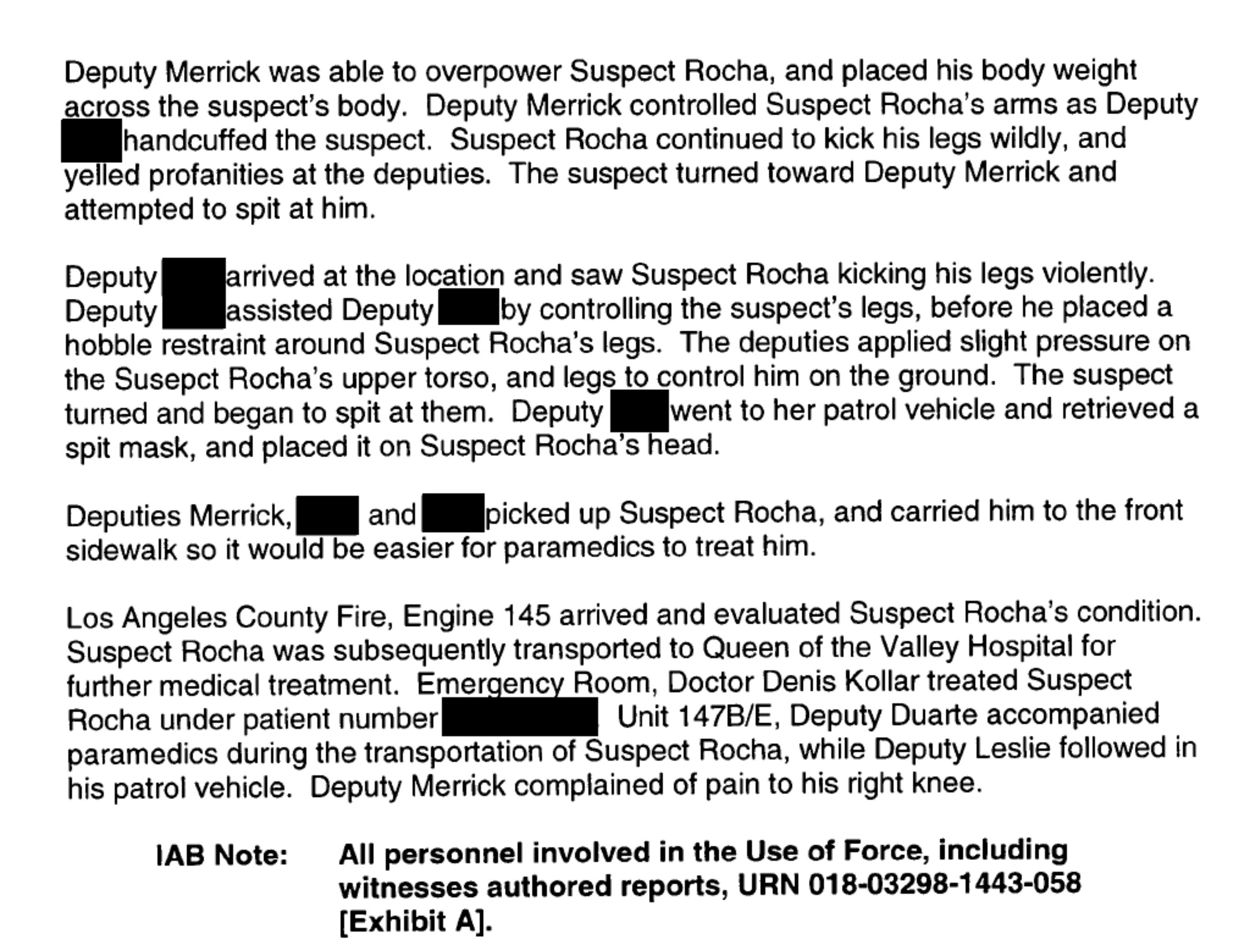
Deputies Merrick and [redacted] approached Suspect Rocha, who smelled of alcohol. Deputy [redacted] removed her taser from its holster, due to Suspect Rocha's aggressive behavior toward Witness [redacted]. Both deputies gave Suspect Rocha verbal commands to place his hands behind his back. The suspect ignored their commands and continued to argue with Witness [redacted].

While Suspect Rocha was arguing with Witness [redacted], he grabbed the top of the chain link fence with both of his hands. Deputies Merrick and [redacted] believed Suspect Rocha was about to jump the fence in an attempt to physically assault Witness [redacted].

Deputy Merrick grabbed Suspect Rocha's arms, from behind, in an attempt to place them behind his back to defuse the situation. Suspect Rocha became tense, rigid, and refused to put his arms behind his back. Suspect Rocha resisted, tightly held onto the fence, and refused to place his hands behind his back. Suspect Rocha told Deputy Merrick "Fuck you, I'm going to kick your ass." The suspect then kicked backward and struck Deputy Merrick's right knee.

Deputy [redacted] grabbed Suspect Rocha's right arm in an attempt to remove his hand from the fence. Deputies Merrick and [redacted] were holding Suspect Rocha as he began to thrust his body backward away from the fence. Deputy Merrick believed Suspect Rocha was trying knock him to the ground, so he put both of his arms around the suspect. To prevent Suspect Rocha from further assaulting him or his partner, Deputy Merrick picked the suspect up off the ground, and twisted him around. As they twisted around, Suspect Rocha lost his grip on the fence, fell down and struck his face on the concrete. Deputy Merrick's arms were wrapped around Suspect Rocha at the time, and he landed on top of the suspect. Deputy [redacted] also fell to the ground.

Deputy Merrick requested emergency radio traffic, and transmitted he was involved in a fight. While on the ground, Suspect Rocha continued to be resistive by kicking his legs wildly. When Deputy [redacted] tried to control Suspect Rocha's legs, the suspect kicked her legs and arm. Suspect Rocha tried to break free, and reached for his waistband with his right hand. In fear Suspect Rocha was about to arm himself, Deputy Merrick punched the suspect on the right side of his face two or three times with his fist.



Deputy Merrick was able to overpower Suspect Rocha, and placed his body weight across the suspect's body. Deputy Merrick controlled Suspect Rocha's arms as Deputy handcuffed the suspect. Suspect Rocha continued to kick his legs wildly, and yelled profanities at the deputies. The suspect turned toward Deputy Merrick and attempted to spit at him.

Deputy arrived at the location and saw Suspect Rocha kicking his legs violently. Deputy assisted Deputy by controlling the suspect's legs, before he placed a hobble restraint around Suspect Rocha's legs. The deputies applied slight pressure on the Susepct Rocha's upper torso, and legs to control him on the ground. The suspect turned and began to spit at them. Deputy went to her patrol vehicle and retrieved a spit mask, and placed it on Suspect Rocha's head.

Deputies Merrick, and picked up Suspect Rocha, and carried him to the front sidewalk so it would be easier for paramedics to treat him.

Los Angeles County Fire, Engine 145 arrived and evaluated Suspect Rocha's condition. Suspect Rocha was subsequently transported to Queen of the Valley Hospital for further medical treatment. Emergency Room, Doctor Denis Kollar treated Suspect Rocha under patient number Unit 147B/E, Deputy Duarte accompanied paramedics during the transportation of Suspect Rocha, while Deputy Leslie followed in his patrol vehicle. Deputy Merrick complained of pain to his right knee.

IAB Note: **All personnel involved in the Use of Force, including witnesses authored reports, URN 018-03298-1443-058 [Exhibit A].**

INVESTIGATION

Industry Sheriff's Station Watch Commander, Lieutenant Hugo Reynaga, and Sergeant Samuel Gomez, conducted a video recorded interview with Suspect Rocha regarding the use of force **[Exhibit C]**.

IAB Lieutenant Granek, Sergeants Smith and Upton interviewed Suspect Rocha at the Inmate Reception Center after being medically treated at Queen of the Valley Hospital.

IAB Note: **Queen of the Valley Hospital, Emergency Room, Doctor Denis Kollar confirmed the injuries Suspect Rocha sustained were consistent with the amount of force used and reported.**

IAB investigators reviewed all written reports authored for the use of force. Deputy authored the original criminal report. Deputies Merrick Fillpot, Leslie, Duarte, and Haringsma prepared supplemental reports describing their observation and actions. Refer to PM In-Service dated March 9, 2018, and EM In-Service dated March 10, 2018 **[Miscellaneous Documents]**.

RADIO TRANSMISISIONS:

Internal Affairs Bureau Investigators reviewed Sheriff's Communication Center's (SCC) radio traffic associated with the incident. The following is a summary of Dispatch 8, and L-TAC radio traffic. For exact times, units, and verbiage, refer to **[Exhibit D].**

Dispatch 8:

23:35:00 hours:	Unit 144F/E, Deputy Merrick advised SCC he is involved in a fight
23:35:24 hours:	Unit 144F/E, Deputy Merrick advised his location
23:35:36 hours:	Inaudible unit advised enroute to emergent request
23:35:45 hours:	Unit 143K3/P, Deputy Fuqua, advised enroute to emergent request
23:35:52 hours:	SCC requested field sergeant to respond
23:35:58 hours:	Unit 144A/P, Deputies Haringsma, Nelson, advised enroute to emergent request
24:36:02 hours:	SCC requested field sergeant to respond
24:36:08 hours:	144F/E, Deputy Merrick advised C-4, suspect in custody
24:36:13 hours:	140S, Sergeant Gomez, advised in enroute to location
25:06:00 hours:	Fire requested for Suspect, lacerations to face

L-TAC:

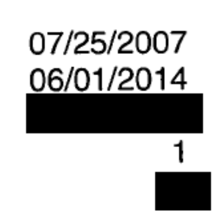
23:32:00 hours:	Unit 144F/E, Deputy Merrick coordinates the call with 143T2, Deputy Tovali

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

SHAWN MERRICK

Deputy Sheriff, Employee #
East Patrol Division/Industry Station

Date of Employment:	07/25/2007
Date assigned to Industry:	06/01/2014
Completed Patrol Training:	
Prior Shooting Incident(s):	1
Prior Founded Force Incident(s):	



Deputy Sheriff, Employee #
East Patrol Division/Industry Station

Date of Employment:
Date assigned to Industry:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incident(s):

Deputy Sheriff, Employee #
East Patrol Division/Industry Station

Date of Employment:
Date assigned to Industry:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incident(s):

NON-EMPLOYEE WITNESSES:

, , MH/28, DOB:

SUSPECT INFORMATION:

ROCHA, CESAR, MH/36, DOB 07/30/1981, 5'05, 145 LBS., CII #, MAIN # FBI #.

A check of the Consolidated Criminal History Reporting System/Criminal Information Index (CCHRS/CII) revealed Suspect Rocha had . For further, refer to a copy of Suspect Rocha's CCHRS/CII printout, **[Miscellaneous Documents]**.

SUSPECT'S INJURIES:

Suspect Rocha sustained a fractured right zygomatic arch bone and nasal bone. He also sustained multiple abrasions, contusions on his facial area. Deputies Leslie and Duarte accompanied Suspect Rocha during the transportation to the hospital, and remained with him at the hospital throughout the duration of this investigation.

IAB Note: **Suspect Rocha's injuries were photographed by IAB investigators [Exhibit E].**

IAB Note: Suspect Rocha was medically treated at Queen of the Valley Hospital, refer to medical records [Exhibit F]

Suspect Rocha was treated for his injuries by Doctor Denis Kollar of Queen of the Valley Hospital under patient number [redacted] Suspect Rocha was treated and cleared to be booked at Industry Sheriff's Station.

DEPUTY PERSONNEL INJURIES:

Deputy Merrick had complaint of pain to his right knee.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Industry Station, Detective Teresa Drake #[redacted]
Court:	West Covina Court
Charges:	69 P.C.
DA Case Number:	38379737

Detective Drake submitted the criminal complaint to the West Covina Court, District Attorney's Office. On May 17, 2018, Suspect Rocha was convicted of 69 P.C., and received 3 years of formal probation and 77 days in County Jail, under case number KA117567. For further, refer to the Superior Court of California, County of Los Angeles, Minute Order **[Exhibit G]**.

PHYSICAL EVIDENCE:

No evidence was collected during the investigation.

INVESTIGATORS' OBSERVATIONS:

The scene was evaluated, photographed, and processed by IAB investigators **[Exhibit H]**.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Merrick personal weapons, control holds, takedown.

Deputy [redacted] control holds.

Deputy [redacted] resistive hobble.

WEAPONS USED BY THE SUSPECT:

Suspect Rocha did not possess a weapon during the incident, but he used his hands and feet as personal weapons.

PROPERTY DAMAGE:

None.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred in the Unincorporated Area of East Valinda, at 2335 hours. The weather was clear and cool temperature. The driveway was slightly lit by a front porch light.

STATEMENTS:

The following is a summary of the recorded interviews of the involved employees, witnesses and suspect's statements to IAB investigators. For additional information, refer to the attached verbatim transcripts and/or audio files.

INVOLVED EMPLOYEES' STATEMENTS:

DEPUTY SHAWN MERRICK

On December 21, 2018, at approximately 2217 hours, Deputy Shawn Merrick was interviewed by IAB Sergeant John Gutierrez at the Industry Sheriff's Station. Deputy Merrick chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

> **IAB Note:** **The interview took place on December 21, 2018. The Investigator indicated the date was March 21, 2018, during the audio recorded interview.**

On March 9, 2018, Deputy Merrick was working a two-person patrol car with his partner, Deputy [redacted] as Unit 144F/E when they received a "disturbance" call for service at [redacted] Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**. Deputy Merrick used his radio and coordinated the call with assisting units on Industry Station's L-TAC. He advised assisting units they were going to respond to the call since they were a two-person unit.

When they arrived at the location, Deputy Merrick heard yelling coming from the rear of the property. Deputies Merrick and [redacted] walked down the driveway and saw Suspect Rocha standing along a chain linked fence, which separated the driveway from the rear yard. Suspect Rocha was yelling and cursing at Witness [redacted] who was standing on the other side of the fence.

Deputy Merrick gave Suspect Rocha commands to walk back toward them, and to place his hands behind his back. Suspect Rocha ignored the commands and continued to verbally assault Witness [redacted]

While Suspect Rocha was yelling, he grabbed the top of the chain linked fence. Deputy Merrick believed the suspect was about to jump over the fence to physically attack Witness ████

In an attempt to defuse the situation, Deputy Merrick grabbed Suspect Rocha's arms from behind, to prevent him from jumping over the fence. Suspect Rocha became tense, rigid, and refused to release his grip of the fence and put his hands behind his back. Deputy Merrick could smell the odor of alcohol emitting from Suspect Rocha.

Suspect Rocha resisted Deputy Merrick by holding the top of the fence. Deputy Merrick continued to give Suspect Rocha commands to cooperate, but the suspect said, "Fuck you, I'm gonna kick your ass." Simultaneously, Suspect Rocha kicked Deputy Merrick's right knee.

While Deputy Merrick was holding Suspect Rocha, from behind, the suspect began to violently push himself back and forth off the fence, while still holding onto the fence. Deputy Merrick believed Suspect Rocha was trying to knock him to the ground, so he wrapped his arms around Suspect Rocha's upper torso in an effort to turn him around. When Suspect Rocha continued to thrust back and forth off the fence, Deputy Merrick lifted the suspect off the ground. When Deputy Merrick turned around, while holding Suspect Rocha, they both fell to the ground. Suspect Rocha fell to the ground, striking his head on the concrete. Simultaneously, Deputy Merrick's full body weight landed on top of Suspect Rocha.

Deputy Merrick gave the suspect commands to cooperate, but Suspect Rocha continued to resist, and kicked his legs. Deputy Merrick transmitted over his handheld radio, Dispatch 8, that he was involved in fight. While trying to hold Suspect Rocha on the ground, Deputy Merrick heard Deputy ████ say, "He's kicking me." Simultaneously, Suspect Rocha tried to pull his body away, and reach toward his waistband with his right hand. In fear Suspect Rocha was about to arm himself, Deputy Merrick punched the right side of the suspect's face, two or three times.

Deputy Merrick tried to control Suspect Rocha's movement, but the suspect began to thrash his face back and forth on the ground. Deputy Merrick placed his body weight on top of Suspect Rocha's torso to restrict his movement. He was able to control Suspect Rocha's hands, and Deputy ████ was able to place her handcuffs on the suspect.

Deputy Merrick gave Suspect Rocha several commands to stop resisting, but the suspect continued to kick his legs. Deputy Merrick said Deputy ████ arrived at the location and placed a hobble restraint around Suspect Rocha's lower legs. Suspect Rocha began to spit blood at him. Deputy ████ retrieved a spit mask and applied it over the suspect's face.

Deputy Merrick used his hand held radio to request medical assistance for Suspect Rocha. Deputy Merrick saw blood on the suspect's face, but he could not tell where the blood came from because Suspect Rocha had a spit mask covering his face.

Suspect Rocha was treated at the location by fire department personnel, and later transported to the hospital for further treatment. Deputy Merrick was treated for a contusion to his right knee, from being kicked by Suspect Rocha. Deputy Merrick reported his use of force to Sergeant Gomez.

DEPUTY

On January 4, 2019, at approximately 1506 hours, Deputy was interviewed by IAB Sergeant John Gutierrez at the Internal Affairs Bureau. Deputy was represented by Attorney Tom Yu from the Law Office of Tom Yu, APC. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy was working a two-person patrol car with her partner, Deputy Merrick as Unit 144F/E when they received a "disturbance" call for service at Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

When they arrived at the location, Deputy saw Suspect Rocha standing next to a chain linked fence at the rear of the property. The suspect was arguing with Witness who was on the opposite side of the fence in the rear yard. Deputy heard Suspect Rocha yelling and cursing at Witness Deputies and Merrick ordered the suspect to the front of the property, but he ignored their commands.

Due to Suspect Rocha's aggressive behavior, she removed her Taser from its holster. When Deputies and Merrick approached Suspect Rocha, she could smell the order of alcohol emitting from the suspect. She ordered Suspect Rocha multiple times to place his hands behind his back, but he did not comply with the orders. Soon after, Suspect Rocha grabbed the top of the fence with both of his hands. Deputy believed Suspect Rocha was about to jump the fence to attack Witness Deputy saw Deputy Merrick grab Suspect Rocha, as the suspect was still holding onto the fence.

Suspect Rocha kicked Deputy Merrick with his right foot. Deputy grabbed Suspect Rocha's arm with her right hand as she held the Taser with her left hand. Suspect Rocha began bucking, pushing himself off the fence. As Deputy Merrick lifted Suspect Rocha and twisted him backwards, Deputy fell to the ground with Suspect Rocha. When Deputy tried to control Suspect Rocha's legs, Witness started to approach from the other side of the fence. She ordered Witness to stay on the other side of the gate. Her attention was drawn back toward Suspect Rocha, who was kicking wildly. She placed both of her knees on Suspect Rocha to prevent him from kicking.

Deputy did not hear Deputy Merrick request for the duplex patch, but she heard him say, "Deputy involved in a fight."

Deputy [redacted] noticed Deputy Merrick had Suspect Rocha's hands behind his back, and handcuffed the suspect. Deputy [redacted] said Suspect Rocha kicked her legs, and arm while they were on the ground. Deputy [redacted] placed her body weight on the suspect's thighs to prevent him from kicking.

Deputy [redacted] tried to control Suspect Rocha's legs. Deputy [redacted] arrived and placed a hobble restraint around the suspect's ankles to prevent him from kicking. While she was controlling Suspect Rocha's legs, she heard Deputy Merrick say, "Don't spit." Deputy Merrick told her to get a spit mask. While Deputy [redacted] held the suspect's legs, Deputy [redacted] retrieved a spit mask from her vehicle and placed it on Suspect Rocha's head. Deputy [redacted] said even though Suspect Rocha was restrained, he continued to thrash his body around and yell profanities. Deputy [redacted] said Deputy Merrick requested medical assistance for the suspect.

When the paramedics arrived, Deputies [redacted] and Merrick, and other deputies picked the suspect up off the ground and carried him to the front lawn to be treated.

Suspect Rocha did not complain of any pain, but she did see slight blood smeared on the suspect's face.

Deputy [redacted] reported her use of force to Sergeant Gomez following the incident.

DEPUTY [redacted]

On December 21, 2018, at approximately 1816 hours, Deputy [redacted] was interviewed by IAB Sergeant John Gutierrez at the Industry Sheriff's Station. Deputy [redacted] chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy [redacted] was working a two-person patrol car with his partner, Deputy Velasco as Unit 141K1/E when they heard emergency radio traffic of a deputy involved in a fight at [redacted] Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

When they arrived at the location, Deputy [redacted] exited his patrol car and ran up the driveway. He saw Deputies Merrick and [redacted] has their hands on suspect torso and legs to restrain Suspect Rocha on the ground, who was violently kicking his legs back and forth. Suspect Rocha was lying face down on the ground, handcuffed, and yelling obscenities. Deputy [redacted] saw Deputy [redacted] trying to hold the suspect's legs with hands. Deputy [redacted] grabbed Suspect Rocha's legs and applied a hobble restraint around them to prevent the suspect from kicking.

During the encounter, Deputy [redacted] heard Deputy Merrick give Suspect Rocha commands to stop fighting, but he continued to thrash around on the ground. Deputy [redacted] saw Suspect Rocha spit at Deputies Merrick and [redacted]. Deputy [redacted] then placed a spit mask on the suspect's head.

When Suspect Rocha settled down, Deputy Merrick requested they pick up the suspect and carry him to the front yard so it would be easier for paramedics to treat him. Deputy [redacted] said the suspect was already handcuffed, and on the front yard before other assisting units arrived. Deputy [redacted] did not know where his partner, Deputy Velasco, was at during the incident.

Deputy [redacted] told Sergeant Gomez his actions and observations during the incident.

SWORN WITNESS STATEMENTS:

DEPUTY MICHAEL FILLPOT

On December 21, 2018, at approximately 1855 hours, Deputy Michael Fillpot was interviewed by IAB Sergeant John Gutierrez at the Industry Sheriff's Station. Deputy Fillpot chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy Fillpot was working a two-person patrol car with his partner, Deputy Nakamura as Unit 142/E when they heard emergency radio traffic of a deputy involved in a fight at [redacted] Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

When Deputy Fillpot arrived at the location, he saw Suspect Rocha lying face down on the grass in front of the house. The suspect was being held on the ground by Deputies Merrick, [redacted] and [redacted] Suspect Rocha was handcuffed, yelling profanities, but he was not struggling.

Deputy Fillpot relieved one of the deputies, and kneeled by the suspect until paramedics arrived. Suspect Rocha was compliant, but he was yelling profanities during the entire incident. Deputy Fillpot did not see any deputy use force on Suspect Rocha.

Deputy Fillpot told Sergeant Gomez his observations. Deputy Fillpot did not know where his partner, Deputy Nakamura, was at during the incident.

DEPUTY ERIK LESLIE

On December 21, 2018, at approximately 2116 hours, Deputy Erik Leslie was interviewed by IAB Sergeant John Gutierrez at the Industry Sheriff's Station. Deputy Leslie chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy Leslie was working a two-person patrol car with his partner, Deputy Duarte as Unit 147B/E when they heard emergency radio traffic of a deputy involved in a fight at [redacted] Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

Deputy Leslie had an extended travel time to the assistance request since he was working in the city of Hacienda Heights. When they arrived, Deputy Leslie saw other deputies at the location assisting Deputy Merrick. The suspect was handcuffed and being treated by the paramedics on the front yard of the location. Suspect Rocha was angry and yelling. Deputy Leslie kept watch on the surrounding area.

Deputy Leslie was approached by Deputy Merrick who asked him to escort Suspect Rocha to the hospital. Deputy Leslie followed, while Deputy Duarte rode in the ambulance as they traveled to Queen of the Valley Hospital.

Deputy Leslie saw some blood around Suspect Rocha's mouth, which appeared to be from his lip.

Deputy Leslie did not witness any use of force while at the location.

DEPUTY DAVID DUARTE

On January 9, 2019, at approximately 1404 hours, Deputy David Duarte was interviewed by IAB Sergeant John Gutierrez at the Transportation Bureau. Deputy Duarte chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy Duarte was working a two-person patrol car with his partner, Deputy Leslie as Unit 147B/E when they heard emergency radio traffic of a deputy involved in a fight at ████ Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

Deputies Duarte and Leslie, responded to the assistance request in minutes. When they arrived at the location, there were numerous units already at the location. Deputy Duarte exited his vehicle to assist Deputies Merrick and ████

When Deputy Duarte approached, he heard Suspect Rocha yelling, and cursing at the deputies. Deputy Duarte said the suspect was acting erratic, and jerking his body. He believed the suspect was trying to escape from the handcuffs. Deputy Duarte heard deputies tell the suspect, "Stop moving," but he continued to thrash his body around.

Deputy Duarte saw Deputies Merrick and ████ detaining Suspect Rocha on the ground. Deputy Duarte said there were other deputies present, but he did not know who they were since he was new to Industry Station.

Deputy Duarte saw small scratches on the suspect's checks, and forehead. He also saw a small amount of blood on Suspect Rocha's face.

Deputy Duarte said the paramedics arrived and placed Suspect Rocha on a gurney. He was asked by Deputy Merrick to transport Suspect Rocha to Queen of the Valley Hospital.

Deputy Duarte did not witness any use force on the suspect.

DEPUTY JASON HARINGSMA

On January 4, 2019, at approximately 1326 hours, Deputy Jason Haringsma was interviewed by IAB Sergeant John Gutierrez at the Industry Sheriff's Station. Deputy Haringsma chose not to have a representative present during the interview. The interview was audio recorded and transcribed.

On March 9, 2018, Deputy Haringsma was working a two-person patrol car with his partner, Deputy Nelson as Unit 144A/P when they heard emergency radio traffic of a deputy involved in a fight at [REDACTED] Lochmere Avenue, East Valinda, Incident Record IDT18068-0353 **[Exhibit B]**.

When Deputy Haringsma arrived, he saw several patrol units at the location. When he approached, he saw Deputies Merrick, [REDACTED] and [REDACTED] holding Suspect Rocha on the ground in front of the location. The suspect was lying face down, handcuffed, and yelling. Deputy Haringsma relieved Deputy Merrick and kneeled next to the suspect to prevent him from getting up off the ground.

Deputy Haringsma said the paramedics arrived and Suspect Rocha was placed on a gurney. He did not see who transported the suspect to the hospital.

Deputy Haringsma said he did not witness any use of force on the suspect.

<u>NON-EMPLOYEE WITNESSES STATEMENTS:</u>

WITNESS [REDACTED]

Industry Station Interview

On March 10, 2018, Witness [REDACTED] was interviewed by Sergeant Samuel Gomez, Industry Sheriff's Station. The interview was transcribed and placed as a permanent record within the IAB case file.

IAB Interview

On January 8, 2019, at approximately 0845 hours, Witness [REDACTED] was interviewed by IAB Sergeant Irys Alvarez. The phone interview was conducted in Spanish, audio recorded and transcribed to English.

On March 9, 2018, Witness [REDACTED] got home from work at approximately 11:00 p.m. He and Suspect Rocha were renting different rooms at [REDACTED] Lochmere Avenue, East Valinda. When he got home, Suspect Rocha began to curse at him in English. Witness [REDACTED] then saw Suspect Rocha hit another person who lived at the house. He did not know Suspect Rocha, so he went to his room to avoid the situation.

When Witness went to use the bathroom, Suspect Rocha was by the door, and began to argue with him. Witness went to the backyard, where the home owner, Mr. was on the phone with the Industry Sheriff's Station. They were in the back yard behind a chain link fence that divided the driveway from the rear yard.

Suspect Rocha exited the front of the house and began to argue with him through the fence. Suspect Rocha wanted to jump the fence to fight Mr. Witness told the suspect to calm down, but he continued to argue with Mr.

When Deputies Merrick and arrived at the location, Suspect Rocha began to yell at them. Mr. identified Suspect Rocha to the deputies, then went back into the house. The deputies "politely" asked Suspect Rocha to talk to them, but the suspect cursed at them. Suspect Rocha held the top of the fence. Deputy Merrick grabbed Suspect Rocha, and tried to pull him away from the fence, but he would not let go. Suspect Rocha resisted and kicked the Deputy Merrick.

The deputies were able to get Suspect Rocha off the fence, but he kept resisting. Suspect Rocha fell down on the ground and hit the side of his face on the ground. While on the ground, Deputy tried to control Suspect Rocha's leg, while Deputy Merrick tried to place the suspect's arm behind his back.

Suspect Rocha continued to resist and cursed at the deputies. Deputies Merrick and were able to handcuff Suspect Rocha. While the deputies were struggling with Suspect Rocha, he stood on the other side of the gate. He did not want the other deputies, who arrived, to think he was the suspect. Witness said when the deputies handcuffed Suspect Rocha, he asked Deputy if he could open the gate to leave.

Witness did not see Deputies Merrick and hit Suspect Rocha during the incident. He only saw the deputies pull the suspect away from the fence. It appeared to Witness one of the deputies was injured or scraped during the struggle.

Witness said the deputies took Suspect Rocha out to the front of the house by the street. He said Suspect Rocha continued to yell at the deputies.

Witness said the deputies "acted properly" during the incident.

SUSPECT STATEMENTS:

CESAR ROCHA

Industry Station Interview

On March 10, 2018, at approximately 0454 hours, Suspect Rocha was interviewed by Lieutenant Reynaga, and Sergeant Samuel Gomez, Industry Sheriff's Station. The interview was transcribed and placed as a permanent record within the IAB case file.

IAB Interview

On January 10, 2018, at approximately 0752 hours, Suspect Rocha was interviewed by IAB Sergeants Bryan Smith, Steve Upton, and Lieutenant Roberta Granek at the Inmate Reception Center. The interview was audio recorded and transcribed.

Suspect Rocha stated he had a verbal argument with his landlord inside of ███ Lochmere Avenue. During the argument, other roommates got involved with the argument, but it did not get physical.

Suspect Rocha was outside by a fence in the driveway when the deputies arrived. He said the deputies, without warning, "bum rushed" and manhandled him. Suspect Rocha did not know why the deputies put their hands on him.

The male deputy, Deputy Merrick, grabbed him and pulled him to the ground. When Suspect Rocha fell to the ground, the side of his face hit the ground first. Deputy Merrick hit him on the back of the head/neck area with his elbow, approximately five times. The deputies also applied pressure points, possibly with knees, to his neck and back area.

IAB investigators asked Suspect Rocha to explain how the deputies hit him. Suspect Rocha indicated the deputies used "police tactics." Suspect Rocha thought the deputies used excessive force for what they were trying to accomplish.

Suspect Rocha could not remember if the deputies said anything when they approached him, but he has a tendency to talk back. Suspect Rocha stated, he did not struggle, but could not remember everything about what happened.

The fractures and injuries to Suspect Rocha's face and mouth were caused when he was thrown to the ground. The pain to his neck and back were also caused when he was taken to the ground.

IAB Investigators asked Suspect Rocha if he spit at the deputies. He stated, "No, I told him, I will spit on you if you get close enough." Suspect Rocha told the deputies he did not respect them, and if they got near him, he would spit on them.

Suspect Rocha drank two 24 ounce, Steel Reserve 211, malt liquor beers in a two hour period. IAB Investigators asked Suspect Rocha what he normally drank in a day. Suspect Rocha would drink a half pint of vodka every other day. He did not use drugs, but smoked a lot of marijuana about a month prior to this incident.

Suspect Rocha indicated while he was in the backseat of the patrol car, he banged the left side of his head once against the window once.

Suspect Rocha had some old injuries on his elbow and forearm. He scraped his arms against a condenser at work.

IAB Note: During the force investigation, Suspect Rocha made an allegation of force while being transported from the Queen of the Valley Hospital to Industry Sheriff's Station. On November 5, 2018, the IAB Investigator contacted Industry Sheriff's Station Operations and confirmed a separate inquiry, into the allegation, would be conducted.